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may elect to use the 2000 population census to determine the five-year construction requirement. Failure by any licensee to meet these requirements will result in forfeiture of the license and the licensee will be ineligible to regain it.

(c) Licensees must file maps and other supporting documents showing compliance with the respective construction requirements within the appropriate five- and ten-year benchmarks of the date of their initial licenses.

(d) Licensees in the paired 1910–1915 MHz and 1990–1995 MHz bands must make a showing of “substantial service” in their license area within ten years of the date of initial license issuance or renewal. “Substantial service” is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

[58 FR 59183, Nov. 8, 1993, as amended at 64 FR 26890, May 18, 1999; 65 FR 53636, Sept. 5, 2000; 69 FR 67835, Nov. 22, 2004; 69 FR 75171, Dec. 15, 2004]

§ 24.229 Frequencies.

The frequencies available in the Broadband PCS service are listed in this section in accordance with the frequency allocations table of § 2.106 of this chapter.

(a) The following frequency blocks are available for assignment on an MTA basis:

Block A: 1850–1865 MHz paired with 1930–1945 MHz; and
Block B: 1870–1885 MHz paired with 1950–1965 MHz.

(b) The following frequency blocks are available for assignment on a BTA basis:

Block C: 1895–1910 MHz paired with 1975–1990 MHz;

Pursuant to Amendment of the Commission’s Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees, WT Docket No. 97–82, *Sixth Report and Order*, FCC 00–313, all 30 MHz Block C licenses available for auction in Auction No. 35 or any subsequent auction will be reconfigured into

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three 10 MHz C block licenses as follows:
1895–1900 MHz paired with 1975–1980 MHz,
1900–1905 MHz paired with 1980–1985 MHz,
1905–1910 MHz paired with 1985–1990 MHz;
Block D: 1865–1870 MHz paired with 1945–1950 MHz;
Block E: 1885–1890 MHz paired with 1965–1970 MHz;
Block F: 1890–1895 MHz paired with 1970–1975 MHz;

(c) The paired frequency blocks 1910–1915 MHz and 1990–1995 MHz are available for assignment in the 175 Economic Areas defined in § 90.7 of this chapter. The 1910–1915 MHz block shall be used for mobile/portable station transmissions while the 1990–1995 MHz block shall be used for base station transmissions.

[59 FR 32854, June 24, 1994, as amended at 60 FR 13917, Mar. 15, 1995; 60 FR 26375, May 17, 1995; 61 FR 33868, July 1, 1996; 62 FR 660, Jan. 6, 1997; 65 FR 53637, Sept. 5, 2000; 69 FR 67836, Nov. 22, 2004]

§ 24.232 Power and antenna height limits.

(a) Base stations are limited to 1640 watts peak equivalent isotropically radiated power (EIRP) with an antenna height up to 300 meters HAAT, except as described in paragraph (b) of this section. See § 24.53 for HAAT calculation method. Base station antenna heights may exceed 300 meters with a corresponding reduction in power; see Table 1 of this section. In no case may the peak output power of a base station transmitter exceed 100 watts. The service area boundary limit and microwave protection criteria specified in § 24.236 and § 24.237 apply.

TABLE 1.—REDUCED POWER FOR BASE STATION ANTENNA HEIGHTS OVER 300 METERS

HAAT in meters	Maximum EIRP watts
≤300	1640
≤500	1070
≤1000	490
≤1500	270
≤2000	160

(b) Base stations that are located in counties with population densities of 100 persons or fewer per square mile, based upon the most recently available population statistics from the Bureau of the Census, are limited to 3280 watts peak equivalent isotropically radiated